DOCUMENT RESUME

ED 474 604 UD 035 551

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| AUTHOR | Portz, John |
| TITLE | Creating Communities of Learning: Public Education in Greater Boston. |
| INSTITUTION | Harvard Univ., Cambridge, MA. |
| PUB DATE | 2003-03-12 |
| NOTE | 34p.; Produced by the Rappaport Institute for Greater Boston, Kennedy School of Government. In: "Governing Greater Boston: Meeting the Needs of the Region's People" (Charles C. Euchner, Ed.). |
| AVAILABLE FROM | Harvard University, John F. Kennedy School of Government, Rappaport Institute for Greater Boston, 79 John F. Kennedy Street, Cambridge, MA 02138. Tel: 617-495-5091; Fax: 617-496-1722; Web site: http://www.ksg.harvard.edu/rappaport/downloads/ggb_2003/2003_chapterfive.pdf. |
| PUB TYPE | Reports - Descriptive (141) |
| EDRS PRICE | EDRS Price MF01/PC02 Plus Postage. |
| DESCRIPTORS | Bilingual Education; Charter Schools; Educational Change; Educational Policy; *Educational Quality; Elementary Secondary Education; English (Second Language); Equal Education; Evaluation Methods; Financial Support; *Governance; *Government Role; High Stakes Tests; Public Education; School Choice; School District Autonomy; Special Education; Student Evaluation; Teacher Competencies; *Urban Schools |
| IDENTIFIERS | *Boston Public Schools MA; *Learning Communities; Massachusetts Education Reform Act 1993 |

ABSTRACT

This paper asserts that central to the debate over excellence and equity in education is the shifting nature of authority over public education in the schools and school districts of Greater Boston, Massachusetts, noting that the autonomy that local school districts have historically exercised is fading, if not gone. The 1993 Massachusetts Education Reform Act gave the state expanded authority over school curriculum and the responsibility to develop assessments to measure student and school performance. The federal government has also taken a more authoritative role. This paper focuses on federal, state, and local players in education policy; understanding accountability (education reform and the birth of Massachusetts Comprehensive Assessment System, or MCAS; assessing MCAS; accountability at the national level; and local accountability); the choice movement (school choice, charter schools, and funding for school choice and charter schools); equity and school funding; serving special populations (special education, English language learners, and bilingual education); excellence in the classroom; school building construction and quality; and the future of education in Greater Boston. (SM)

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ED 474 604

# 5. Creating Communities of Learning: Public Education in Greater Boston

John Portz

The school committee meeting room in Cambridge was packed with over 70 parents, teachers, and students. On the agenda was a resolution directing the Cambridge superintendent to award a high school diploma to any student who met the school district's graduation requirements, regardless of the student's scores on the state's MCAS test. The resolution declared that no single test should be used to determine a student's graduation. "We are confident that we are upholding the 1993 Education Reform Act," one committee member said at the April 2002 meeting. "With this vote, we are trying to communicate to the state that this is a serious and urgent situation."[1] After lengthy debate, the resolution passed by a 4 to 3 vote. The next day, state officials said the committee had exceeded its authority, noting that the state possesses sole authority to grant a diploma. Passing the MCAS, the official said, would remain a requirement for graduation in all districts.

The Cambridge debate over MCAS—the Massachusetts Comprehensive Assessment System—underscores the basic dilemmas of public education reform in Greater Boston and Massachusetts. Protests and student boycotts have mounted against the test, particularly the "high stakes" requirement for high school graduation. Despite the controversy, MCAS and the other reforms in the 1993 law have been cited as catalysts for major improvements in teaching and learning in classrooms throughout the state and Greater Boston. The rigor of the new standards and tests has pushed educators to focus curriculum and teaching on material covered in the tests and the underlying state curriculum frameworks.

Because education is a critical part of most people's lives, it becomes an arena for debating and deciding some of the most basic questions in society. Over the last generation, debates about the relative importance of excellence and equity have framed a wide range of reform efforts, from standardized testing to public finance to school choice, from school leadership to teacher training, from bilingual education to curricular reform.

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In general, advocates for excellence push for stronger standards to improve student achievement. More rigorous curriculums, standardized testing, and stricter standards for promotion and graduation are central to this movement. Calls for more choice options for students and teachers—through charter schools, inter-district choice, and similar strategies—are also part of this basic orientation. The recent emphasis on improving teachers' qualifications and expertise also aims to insure excellence in the classroom.

The equity movement, on the other hand, stresses the need to provide adequate resources for children of all backgrounds as the key to educational opportunity. The equity movement pushes for greater state aid to poor districts, as well as compensatory education programs and various programs for "special needs" students. Recent debates over the appropriate services to provide students with limited proficiency in English, as well as special education students, reflect this orientation. In both instances, the driving force is the desire to ensure that students have access to equal resources and opportunities.

In reality, the debate about excellence and equity is not a simple either/or proposition. Many policies reflect elements of both. State aid to local school districts, for example, typically involves a policy discussion around the equitable allocation of resources among poor and wealthy communities, but also involves questions about what resources are needed to promote excellence. In fact, passage of the 1993 Massachusetts reforms entailed a political bargain. In return for strong standards for graduation, the state would provide unprecedented new local aid to school districts.

Central to this debate is the shifting nature of authority over public education in the schools and school districts of Greater Boston. The autonomy that local school districts have historically exercised is fading, if not gone. The 1993 Education Reform Act gave the state expanded authority over school curriculum as well as the responsibility to develop assessments to measure student and school performance. Under state guidance, charter schools and inter-district choice also have expanded school options at the local level. The reform also shifted authority at the local level, giving superintendents greater control over staffing and management of schools.

While the state was gaining greater authority—and shifting the center of gravity at the local level as well—the federal government has taken a more authoritative role. Passage of new legislation has given national policy-makers and the federal Department of Education expanded authority through testing and other accountability measures. Washington's greater role in setting the education agenda of local school districts, ironically, comes at the initiative of the conservative President George W. Bush, who otherwise calls for devolution of federal money and authority to the state and local level of government.

A vigorous public discussion over the best way to promote learning might sound like the basic stuff of education policy. But the focus on classroom learning marks a major change from recent history. In the 1970s, desegregation and busing in Boston captured the attention of the region and nation. After years of frustrated efforts by civil rights activists to force the Boston Public Schools to desegregate, Federal District Court Judge W. Arthur Garrity in 1994 ordered busing to integrate Boston's notoriously segregated neighborhood schools. Years of strife, including violence, followed. The politics of race became entwined in the political jockeying on the elected Boston School Committee and conflicts between the committee and a succession of superintendents. A 1985 school reform law engaged the state more actively in education, but the law gave primary responsibility to local school boards and educators.

The 1993 reform marked a sea change in education policy—the most important period in the state's education policy in a generation. But other issues intersect with the reform and the MCAS tests. The crowded policy debate includes discussion of what is the appropriate level of funding for a basic education, the challenge of serving the needs of special education students and limited-English language speakers, meeting parental demands for more school choices, ensuring an adequate and qualified teacher workforce, and providing safe and state-of-the-art school buildings.

## PLAYERS IN EDUCATION POLICY

In the last generation, the arena for education policy has experienced historic shifts. Education policy and funding were once left almost completely to local school districts. But in recent years—especially with the Education Reform Act of 1993—the state has come to play the dominant role in public schooling. The state not only has dramatically increased funding for public schools, but has also set the parameters for local governance of schools, from hiring principals to establishing curriculum and graduation standards. But the shift from the local to the state level is not the only development challenging local district control of schooling.

In one of the ironies of recent domestic policy in the U.S., the most conservative president in recent history has increased federal involvement in schooling more than any president since Lyndon B. Johnson. President George W. Bush's championing of the Leave No Child Behind Act involves the federal government in setting standards and accountability from elementary to high school. Meanwhile, charter schools are pulling local education from the citywide districts to grassroots level. The election of Mitt Romney over Shannon O'Brien appears to give the fledgling school choice movement a chance to change the dynamics of local education.

Knowing the players at all three levels is essential for tracking the future of education in Greater Boston.

## The Federal Level

As an education policy actor, the federal government is less prominent than the state--it provides only about 9 percent of monies spent nationwide for K–12 schools—but in some areas, such as education for disadvantaged students, the federal government plays a more significant role. In special education and vocational education as well, federal laws and policies play an increasingly important role in setting the stage.

The federal government's first major role in education—besides court cases and legislation outlawing racial discrimination—came with the passage of the Elementary and Secondary Education Act (ESEA) in 1965. Reauthorized in 2001 as the No Child Left Behind Act, ESEA now requires annual testing in English and math for grades 3–8 by the 2005–06 school year. Relatively few school districts now meet these testing requirements. Linked to testing are an array of accountability measures that will be applied to schools that fail to make "adequate yearly progress" toward a goal of academic proficiency for all students by 2014.

The law also requires all public school teachers to be "highly qualified" within three years, reauthorizes a number of reading and science programs, and consolidates bilingual education and technology programs. To support its emphasis on disadvantaged students, the law increases funding for Title 1 and targets funding to districts with high concentrations of low-income children.

Education policy in the Congress is developed and overseen by education committees in each chamber. Massachusetts Senator Edward M. Kennedy, the outgoing chairman of the Health, Education, Labor, and Pensions Committee, has been a leader on education policy for years. Kennedy partnered with President Bush on the No Child Left Behind legislation, and he has also been a leader on civil rights, compensatory education, and hot meals programs. With the Republican takeover of the Senate, New Hampshire Senator Judd Gregg will take over the committee. The Labor, Health and Human Services, and Education Subcommittee of the Senate Appropriations Committee will shift from Iowa's Thomas Harkin to Pennsylvania's Arlen Specter. William Boehner of Ohio will continue as the chairman of the House Education and Workforce Committee.

Secretary of Education Rodney Paige, former superintendent of the Houston school system, is a strong advocate for testing and accountability. The Education Department that Paige oversees is divided into a number of offices that have responsibility for various policy areas, such as vocational education, post-secondary education, and financial aid. The Office of Elementary and Secondary Education has primary responsibility for most of the K–12 issues in which the federal government becomes involved.

The federal courts play a more reactive but still critical role. Federal courts played the decisive role in the busing policies of the 1970s and 1980s. In Boston, Judge W. Arthur Garrity issued the key decisions that not only mandated busing children to achieve racial balance in segregated neighborhoods, but also oversaw the implementation of desegregation for two decades.[2] The recent decision by the Boston School Committee to drop race as a factor in the district's school assignment policy was heavily influenced by the current trend for federal courts to overturn busing policies.

Outside government, a number of organizations shape education policy or providing relevant information for policy-makers and advocates. National associations represent the interests of school boards and teachers. The American Federation of Teachers (AFT) and the National Education Association (NEA) typically represent teachers in urban and suburban school districts, respectively. The AFT, like its state counterpart, is known for its innovative and experimental approach to new education initiatives like charter schools. The NEA takes a more traditional approach to its advocacy of teachers' interests as professionals. Governors, legislators, and many urban officials also have peak organizations that often provide information related to education.

The Education Commission of the States, based in Denver, provides information and supports research on a variety of education issues, principally at the state level. The Council of the Great City Schools represents 58 of the largest school districts in the country, including Boston. The Council provides information, sponsors research and supports professional development for large school districts and lobbies for their interests in Washington. The Council sponsors several national conferences each year that provide forums for the exchange of information among educators from large cities.

## State Level

A variety of public and nonprofit actors are involved in education policy at the state level.

Peter Nessen coordinates education policy for Governor Mitt Romney. Nessen, chair of the Joint Commission on Teacher Preparation and a member of the state board of higher education, served as Governor William Weld's budget chief from 1991 to 1993. Romney plans to elevate Nessen's position to Cabinet status. Nessen will be the governor's point person on a wide range of issues, including the elimination of bilingual education, improvement of the state's public college system, and continuing implementation of the 1993 Education Reform Act.

In FY2003, state spending for elementary and secondary public education was projected to be $4.3 billion, constituting 18.3 percent of the state's budget. The governor often takes a lead role in shaping education policy and typically

has one or more education advisors within the governor's office. In the legislature, the Joint Committee on Education, Arts and Humanities is a 17-member body composed of representatives and senators from the Massachusetts House of Representatives and Massachusetts Senate.

The Massachusetts Board of Education and the Department of Education (DOE) are the state actors devoted most exclusively to the issues of public education. The Board of Education, a nine-member body appointed by the governor, shapes and implements elementary and secondary education policy.

The Department of Education implements state education laws and develops regulations for elementary and secondary public education. The agency's responsibilities include program and policy development as well as technical support and regulatory oversight. Agency staff are involved in data collection and evaluation, teacher certification, school construction, student assessment, special education, early childhood programs, among others. Working at the direction of the Board of Education, the DOE is responsible for implementing the Education Reform Act of 1993 and assisting school districts in meeting the requirements of other state and federal policies. A recent review of the Massachusetts Education Reform Act (MERA) and the agency concluded that additional capacity is needed within the department to adequately fulfill its role.[3]

A number of other agencies and organizations operate outside the DOE. The Massachusetts Education Reform Review Commission, a 16-member body created as part of the Education Reform Act, sponsors research and assists policy-makers in monitoring the implementation of the Education Reform Act.

The Office of Educational Quality and Accountability operates outside of the DOE to assess district efforts to meet the Education Reform Act.[4] The Department of Revenue's Division of Local Services produces a variety of publications on key policy and program issues related to local government, and also maintains a valuable databank on local government statistics.

Outside of state government, a number of organizations represent various constituencies. The Massachusetts Teachers Association represents 95,000 members in 400 local associations, while the Massachusetts Teachers Federation represents 20,000 members in 42 local organizations. State-level associations for administrators include the Massachusetts Association of School Superintendents, Massachusetts Secondary School Administrators' Association, and the Massachusetts Elementary School Principals' Association. The Massachusetts Association of School Committees represents school committees and their members in the state.

All of these organizations provide extensive information on education policy issues to their members, and they are quite active in lobbying state policy-makers. They frequently produce position papers on key issues, as with the Massachusetts Teachers Association *Blueprint for Educational Excellence*. These associations occasionally create task forces to review key educational policy issues.

A number of groups representing non-educators also play an important role in public education. The Massachusetts Municipal Association (MMA) lobbies on behalf of local governments in the State House while providing information and professional services for local officials. The MMA provides up-to-date information to its members, and it is particularly active on school finance issues.

The Massachusetts Business Alliance for Education, a business-backed organization, played an instrumental role in passage of the Education Reform Act. As Jack Rennie, one of its long-time leaders, has noted: "The business community has a valuable role to play as catalyst, nurturer, watchdog and navigator to keep a multiyear program on track."[5] The business community has also joined a number of school districts in creating Mass Insight Education, a Boston-based non-profit organization. Mass Insight Education strongly supports MCAS and has sponsored several research projects to assess MCAS remediation efforts and disseminate information on best practices.

The Massachusetts Taxpayers Foundation monitors state policy-making and often reports on education policy issues, particularly involving school finance. The Massachusetts Institute for a New Commonwealth, also known as MassINC, has sponsored important studies on Massachusetts public policy and also publishes the journal *CommonWealth*. MassINC in 2002 launched a new Center for Education Research and Policy to highlight its efforts in the education area. The Pioneer Institute for Public Policy Research oversees research on education and related issues like job training. A long-time supporter of charter schools, the Pioneer Institute operates a Charter School Resource Center that assists individuals and organizations in creating charter schools and provides information to the public on the growing number of charter schools in the state. The resource center is expected to become independent of Pioneer in 2003.

At the University of Massachusetts at Amherst, the Center for Education Policy sponsors research and symposia on education issues, with the goal of improving public decision-making while enriching scholarly activity. At Harvard University's John F. Kennedy School of Government, the Program on Education Policy and Governance sponsors research projects, symposia and publishes a national journal, *Education Next*. The Beacon Hill Institute at Suffolk University sponsors studies and other activities related to Massachusetts policies and recently completed an analysis of MCAS testing. The Donohue Institute at the University of Massachusetts at Boston sponsors studies of MCAS that appear on the Education Benchmarks website.

## Local Level

At the school and school district level, superintendents, school committee members, principals and teachers play the central role. In the broader community, parents and business organizations often assume significant responsibilities in shaping the educational landscape. Superintendents and school committee members play

the lead role in policy formulation. As one review of education reform notes, "school committees and superintendents can empower reform or stand in the doorway impeding progress."[6]

School committee members are the primary local policy-makers for a school district. With the exception of Boston, voters elect school committee members to two-, three-, or four-year terms. The size of school committees varies, but many are seven or nine members. School committees typically meet at least once a month. School committees adopt the annual budget and appoint the superintendent. Under the Education Reform Act of 1993, school committees no longer have broad hiring authority over personnel below the superintendent.

Boston offers an exception to the standard structure of school governance. In 1992, a seven-member committee appointed by the mayor replaced the 13-member elected Boston School Committee. The elected committee was widely criticized for ending each year in a deficit and for not making the key decisions necessary to reduce school costs—and for using the school committee to advance personal careers instead of focus on school policy. In 1995, the appointed committee hired Thomas Payzant as superintendent.

Superintendents like Payzant act as the CEOs of the school district. They are responsible for advising the school committee and implementing policies formulated by the committee. The superintendent hires principals and has ultimate authority over teachers and staff in the district. Superintendents serve at the will of the school committee, although contractual arrangements are usually negotiated between the two parties.

School districts have several structural connections to their mayors and managers, councils and town meetings. Unlike the situation in much of the rest of the U.S., school districts are typically coterminous with city and town boundaries and depend on the local government for funding. The committee works with the superintendent to formulate the school budget, but the total appropriation for the school department must be approved as part of the budget for the city or town. Unlike in some states, school districts in Massachusetts do not have autonomous authority to raise property tax revenues.

In most cities, one individual holds positions with both the general-purpose government and the school committee. In Cambridge, the mayor (who is elected by the city council) serves as the chair of the Cambridge School Committee. In Watertown, the Town Council president also serves as a member of the school committee. In all communities, the chief executive of local government, such as the mayor or manager, sits with the school committee to vote on labor contracts.

Teachers unions represent their members in collective bargaining with the school committee and play an important role in shaping the implementation of policy initiatives. School site councils—composed of teachers, parents and

community members (and students at the high school level)—are mandated under the Education Reform Act to advise principals. (In Boston, site councils are referred to as School-Based Management and have additional budgetary and program authority that predate the Education Reform Act.) Most school communities also have one or more parent-teacher organizations that play an important role by connecting parents to the school and fundraising for specific school projects.

The Boston Compact—an informal partnership of businesses, city hall, labor, higher education, nonprofit groups and the public schools—provides a variety of programs and support services. Much of this work is done through the Boston Private Industry Council, an organization with a long record of support for school and youth employment. The Boston Plan for Excellence, begun in 1984, mobilizes the business community to support a number of school initiatives. The Boston Plan has helped implement whole-school improvement models at individual schools. The Boston Municipal Research Bureau offers important information and policy analysis on city government, including the schools.

## UNDERSTANDING ACCOUNTABILITY

If accountability has become a central organizing principle of education, how to promote and measure learning and achievement remain matters of debate. Three key questions frame the issue: *Who* should be held accountable? *How* should they be held accountable? *For what* should they be held accountable?

The "who" question focuses on the target of the accountability system. In the broadest sense, students, educators, parents, and the community are all accountable for the success or failure of public education. The focus, however, is typically on students and educators.

The order and timing for student and educator accountability can be controversial. In the case of the Education Reform Act, which introduced new curriculum frameworks, teachers and other educators are responsible for combining this curriculum with effective teaching practices. Have they succeeded in doing so? Should educators be held accountable first for this, or should students be held accountable through testing? Can these accountability strategies proceed simultaneously?

Responses to the "how" question are equally controversial. Possible accountability instruments include different kinds of tests, student portfolios, student and class projects, and classroom observations. The current accountability system emphasizes standardized tests at the state and federal levels, with a somewhat broader range of instruments likely at the local school district level.

The "what" question focuses on the content of the accountability system. For students, this question points to the curriculum and other school requirements that underlie the accountability system. The state curriculum frameworks in different subject areas are a central part of the accountability structure. In

addition, individual school districts may establish other course or competency requirements that become part of the accountability system. For teacher accountability as well, decisions must be made on the relative importance of student test scores and other elements of the teaching environment.

## Education Reform and the Birth of MCAS

MCAS and its "high stakes" use for high school graduation dominate the current debate. On one side are many state policy-makers and other supporters who see high stakes consequences—what *The Boston Globe* referred to as "tough love"—as critical in driving the system.[7] As one supporter has noted, "Take the stakes away, everybody goes back to sleep."[8] Opposed are a number of policy-makers, educators and others who object to this use of a single test. Writes one principal in the Boston schools: "No one test—even the best—can or should try to capture by itself our definition of a well-educated person."[9] With the high stakes deadline looming for the Class of 2003, educators and policy-makers are assessing the options and consequences of holding to the deadline or adopting an alternative that postpones, or even eliminates, this diploma requirement.

The Massachusetts Education Reform Act not only mandates MCAS but also addresses finance, governance, curriculum, assessment and other issues.[10] The impetus for the law came from several sources. In the late 1980s and early 1990s business leaders and others grew increasingly concerned that students were not adequately prepared for the world of work and higher education. A growing coalition, working with key legislators, began drafting new reform legislation. Toward the end of this process, a long-standing legal case about school funding reached the Massachusetts Supreme Judicial Court. The SJC ruled that the state's education funding system resulted in inequities across districts and did not meet the state constitutional requirement "to cherish . . . the public schools and grammar schools in the towns."[11] The legislature quickly passed MERA and Governor William F. Weld signed it into law.

The accountability side of MERA includes a number of steps to create a challenging curriculum and assess student and school performance in learning that curriculum. After the law's passage, the state set up commissions and task forces to develop a common core of learning and produce a set of curriculum frameworks that detail what students are expected to know in major subject areas and at different grade levels. The frameworks required several years to develop and some have already been revised. Although sometimes controversial, the frameworks have been praised for providing focus on key learning areas. Achieve, Inc., an organization that evaluates and assesses state curriculum frameworks and tests, rates the Massachusetts curriculum standards in English language arts as among the best in the country.

**SAMPLE MCAS QUESTIONS**

**Grade 8 Math**

When Jeff was 3 years old, his sister was 4 times as old as he was.

a) How old was Erin when Jeff was 5?

b) Write an equation showing the relationship between Jeff's and Erin's ages.

c) Draw a graph on a coordinate plane showing the relationship between Jeff's and Erin's ages.

**Grade 10 Science & Technology**

Water has properties that are important to life.

a) Describe three properties of water.

b) Explain the molecular basis for each of these three properties.

The final step in accountability was the development of an assessment system to measure student and school performance. MCAS has filled this role. MCAS tests in English, math and science/technology were first given to students in 1998. Two years later the state Board of Education adopted the regulation requiring passage of the grade 10 math and English MCAS tests for awarding a high school diploma.

The finance elements in MERA involve a substantial reworking of the Chapter 70 state school funding formula is to reduce district-to-district disparities in per-pupil expenditures and to ensure that all schools have adequate funding to provide a good education to all students. From 1994 through 2002, Chapter 70 increased from $1.4 billion to $3.2 billion; total spending on K–12 education in the state is now over $9 billion.

MERA included a variety of other important changes in public education. School committees are barred from making most hiring decisions below the superintendent. The superintendent is now the chief executive officer of the district with accountability for management of the school system. Principals exercise increased authority over their schools, and school councils of parents, teachers and community members provide advice to principals. For teachers, certification requirements have changed, and the collective bargaining relationship has been redefined. In addition, state-approved charter schools and an expanded inter-district school choice system are now part of the education policy world.

## Assessing MCAS

Educators generally view the MCAS as a rigorous testing system. The tests include multiple-choice and open-response questions as well as short answer and writing prompts. First given in 1998 to students in grades 4, 8 and 10 in math, English, and science/technology, the test is expanding into other grades and subject areas.

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In Spring 2003, with the addition of a history/social science test, one or more of the MCAS tests will be given in all grades from 3 to 10. The tests are untimed within two-hour blocks, and material covered in the tests is tied closely to the curriculum frameworks.

MCAS scores for each test are scaled with a maximum of 280 points and four performance levels: 200–219, "warning/failing"; 220–239, "needs improvement"; 240–259, "proficient"; and 260–280, "advanced." In the first year of testing the results varied by grade and school district, but the state averages were generally disappointing. In grade 10, for example, 52 percent of test takers statewide failed the math test and 28 percent failed the English language arts test. Scores are slowly improving, but student performance on the tests remains quite mixed. Grade 10 students showed a significant improvement in the 2001 administration of the test, which was the first high stakes sitting of the test. In that year, 25 percent of grade 10 test takers failed the math test and 18 percent failed the English language arts test. In the more recent 2002 grade 10 tests, 25 percent again failed the math test and 14 percent failed the English language arts test.

State averages, however, hide the wide range of scores within the Boston region. The table below lists the percent of students failing the 2002 math and English language arts tests in selected communities.

MCAS also is at the center of the state's accountability system for schools and school districts.[12] The state Board of Education and Department of Education evaluate schools primarily by the MCAS performance of their students. In November 2002, state officials released the most recent assessment of school and school district performance, referred to as the Cycle II ratings.

The rating system is based on separate assessments of the math and English tests using three key measures—a proficiency index, improvement target, and adequate yearly progress. A school or school district's *proficiency index* is an average number, between 0 and 100, based on the distribution of student scores

**TABLE 1. MCAS FAILURE RATES**

Percent of Students Failing 2002 MCAS Tests, by Grade and Community

| | Mathematics | | | English Language Arts | |
|---|---|---|---|---|---|
| | Grade 4 | Grade 8 | Grade 10 | Grade 4 | Grade 10 |
| Boston | 45 | 53 | 52 | 26 | 36 |
| Cambridge | 34 | 41 | 41 | 21 | 30 |
| Chelsea | 23 | 56 | 49 | 15 | 28 |
| Brookline | 11 | 17 | 12 | 5 | 8 |
| Newton | 6 | 11 | 5 | 4 | 3 |
| Concord | 2 | 7 | 3 | 2 | 1 |

on the MCAS test. A school receives 100 points for each student in the "advanced" or "proficient" categories, but fewer points for students in the two lower categories. The closer the average moves to 100, the higher is the proficiency index for the school.

The proficiency index becomes the starting point for identifying the school's *improvement target*. This target is calculated as the biannual increase required for a school district to raise its proficiency index to 100 by the year 2014, which is the requirement in the federal No Child Left Behind Act. A school's improvement is considered to be "on target" if it achieves within plus or minus 2.5 points of its improvement target. And finally, a school is deemed to meet *adequate yearly progress* if it has a proficiency index that is at or above the current statewide level or, even if it is below that level, if it meets its improvement target.

Based on this assessment system, low-performing schools are identified for additional review and assistance. Review might include a site visit by a panel of educators, parents and community members, along with additional assistance and resources to improve the curriculum and service delivery. Schools that do not make adequate yearly progress are designated "schools in need of improvement." Under the No Child Left Behind Act, low-achieving Title 1 schools may be required to offer school choice and supplemental student services. In November 2002, the state designated 194 "schools in need of improvement," many of which are urban schools. Forty-four schools were placed on the list in Boston, seven in Cambridge and two in Somerville. Interestingly, no high schools were placed on the list since all met their improvement targets over their low 1999–2000 scores, even though proficiency ratings in most high schools remained low.

This use of MCAS as the accountability standard has sparked controversy and a number of alternatives. When applied to students, the strongest opposition comes from the Massachusetts Association of School Superintendents, Massachusetts Association of School Committees, Massachusetts Teachers Association, Massachusetts Federation of Teachers, and the New England Association of Schools and Colleges. Several organizations, like the Massachusetts Coalition for Authentic Reform in Education, have formed specifically to oppose MCAS.[13] These groups support the use of multiple measures, rather than a single test, for determining high school graduation.

Some critics question whether the tests accurately reflect the curriculum frameworks and whether they are really criterion-referenced tests.[14] Others argue that the tests are too difficult. A report for the Education Reform Review Commission, for example, cites the high marks Massachusetts students receive on most standardized tests, like the SAT and National Assessment of Educational Progress, yet the poor showing on MCAS.[15] Others say the assessment system fails to track the same group of students over time to identify learning. The lack



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of a longitudinal approach makes the assessment system subject to the fluctuations of different student cohorts as they enter the school.

Another area of concern is the impact of the tests on the student dropout rate, particularly after the 10th-grade test. Faced with one or more failures, students may choose to leave school rather than continue, knowing they will not graduate if they do not pass the test. Anne Wheelock, for example, notes that the Class of 2003 has "lost" 17.6 percent of its students from grade 9, whereas previous classes shrank by about 13.6 percent. She points to MCAS as one of the major reasons for this increase.[16]

Perhaps the most politically volatile issue is the achievement gap in MCAS scores among different population groups. Students of color have much higher failure rates, as do special education, limited-English proficient, and vocational education students. In the class of 2003, after three rounds of testing, 87 percent of white and 83 percent of Asian students have passed both tests, but only 56 percent of black and 50 percent of Hispanic students have passed. While 87 percent of regular education students have passed both tests, only 55 percent of special education students and 35 percent of limited-English speaking students have passed.[17] Many of the students failing the tests come from Boston and other urban areas of the state.

A lawsuit filed in federal court in Springfield in 2002 alleges that the state has failed to prepare thousands of students for the MCAS and that the tests discriminate against blacks, Hispanics, students with limited English skills, disabled students, and vocational education students.[18] The federal judge, however, declined to hear the case, suggesting that the state court system was the appropriate venue for this issue.[19]

Test scores do not measure progress adequately, experts say, unless evaluators consider a district's socioeconomic makeup and funding levels. These "value-added" studies use a statistical model to analyze how variations in MCAS scores are correlated to school spending, class size, family income, and other independent variables. A report for the Education Reform Review Commission found that a school's poverty level could explain almost 70 percent of the variation in test results.[20] From this perspective, then, an assessment system that focuses on test scores is capturing socioeconomic differences more than achievement differences. A report by the Beacon Hill Institute presents an alternative ranking of school districts using a value-added model that controls for a school district's financial resources, prior test scores, and socioeconomic characteristics.[21]

Faced with these critiques and seeking to improve the system, the state Board of Education and the Department of Education have made a number of adjustments to the accountability process. To increase a student's chance of passing the tests, grade 10 students who fail the math or English MCAS now have four re-test opportunities. For the class of 2003, a student who fails on the fourth re-test is eligible for summer tutoring and additional test opportunities in September

2003 and after. These re-tests are shorter and are designed specifically to measure performance around the break point between a failing and passing score.

Other changes are being made or proposed. For students with severe disabilities, an alternate assessment is available based on a student's portfolio of work and accomplishments. In addition, an appeals process provides grade 10 students who fail the MCAS an option of appealing based on either a scoring error or performance. In a performance appeal the student must convince a panel of educators that his or her MCAS failure does not accurately reflect the student's knowledge with respect to the state curriculum standards. The student must have failed the MCAS test at least three times, scored at least 216, have a 95 percent attendance rate, and participate in a tutoring or other support program.[22]

Another alternative path approved by the state Board of Education is a "certificate of attainment." This certificate can be granted by a local school district to a student who completes all other graduation requirements, but fails the MCAS. Said Board Chairman James Peyser: "It's to recognize and honor the effort and persistence of students who have stuck it out through 12th grade, who have given it their best."[23] Fearful of undermining the MCAS standard, the Board of Education limited the option of granting the certificate to the next two years.

The Department of Education has several programs designed to support general MCAS remediation efforts. The department's Academic Support Services Program provides monies to school districts to implement targeted remediation efforts for students in "warning/failing" and "needs improvement" categories. In FY2002, $50 million was appropriated to support this program.

MCAS remains controversial. The improvement in grade 10 test scores in 2001 drew praise from supporters, but after two re-takes, 19 percent of students state-wide in the class of 2003 continue to fail either the math or English tests. If this pattern continues, the proportion of high school seniors denied a diploma will be twice that of the pre-MCAS period, and it will be much higher in the urban areas. MCAS as a high stakes test still stands, but the spring of 2003 will likely bring a reckoning on this use of the tests.

## Accountability at the National Level

Testing also lies at the heart of accountability at the national level. The No Child Left Behind Act outlines a rigorous set of requirements for annual testing in math and English language arts in grades 3 through 8. Under the law, 95 percent of all students are to be tested, and 95 percent of students within the following subgroups—major racial/ethnic groups, economically disadvantaged, limited English proficient and students with disabilities—must also be tested.[24]

Expectations are very high. By the 2013–14 school year, all students in all subgroups listed above should reach proficiency in reading and math, as measured by standardized tests. Schools and school districts must show that each subgroup demonstrates "adequate yearly progress" toward academic proficiency. Schools

that fail to meet progress goals for two consecutive years receive technical assistance from the school district, and students in the school may attend another school, supported by transportation provided by the district. A third year of failure to make progress results in supplemental services to students, including private tutoring. Fourth and fifth years of failure lead to more corrective action at the school, including final actions that reconstitute the school as a charter school or other major transformation.

These accountability provisions are still in the development stage, but they already are proving controversial, as states attempt to meld these requirements with those developed in response to state education reform laws. By the end of January 2003, states must submit a plan to the federal Department of Education that outlines an accountability system consistent with the law.

### Local Accountability

School districts are adopting their own strategies to improve accountability. The options at this level are many, depending upon the interests of key stakeholders and resources of the school district. In Boston, promotion to the next grade is contingent on course grades and standardized tests. Promotion to grade 4, for example, requires that a student pass English language arts and math classes as well as tests such as the Stanford 9 or BPS Math Tasks.

Schools in Boston are held accountable through a comprehensive review system that includes a Yearly Checkpoint Review and an In-Depth Review. The Yearly Checkpoint Review tracks student performance on standardized tests, while the In-Depth Review is an extensive assessment of a school by a team of educators and community members. Schools complete a self-study portfolio and host the review team for two or more days of interviews, classroom observations and document reviews. Schools that do not meet performance expectations receive assistance to improve performance and are subject to additional scrutiny.

## THE CHOICE MOVEMENT

Ever since Milton Friedman first proposed using market mechanisms to give families greater control over their children's education—and to give schools financial incentives to perform better—school choice strategies have provoked controversy in Massachusetts and beyond. While most Democratic constituencies tend to oppose most school choice options, many liberal scholars and activists have embraced the idea of giving poor families the same kind of choice that affluent families enjoy in placing their children in schools. At the same time, many suburban communities have resisted broad school choice schemes.

The rationale behind school choice and charter schools is simple. Rather than focus school reform on improving a bureaucratic system that controls the inputs and outputs of schooling, choice gives schools a direct incentive to


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respond to the needs of students and families. Schools are placed in a market environment requiring them to compete for students the way that business firms compete for customers. As in the business world, schools that fail to attract customers—students—can lose resources and even fail.

## School Choice

School choice, in fact, can mean very different policies depending upon the variation of choice that is adopted and implemented. In general, there are three choice approaches: *public intra-district* choice provides options to students within a public school district; *public inter-district* choice provides school options that cross public school district lines; and *private* choice provides support for students from public schools to attend private schools.

*Public intra-district* choice allows students to pick from among any school within the district. No longer required to attend a neighborhood school, students can choose from among the school options in the district. Boston and Cambridge have a variation of this system, referred to as "controlled choice," that provides choice within geographic districts. In Boston, the school district is divided into three geographic zones for attendance purposes. Elementary and middle school students create a priority list of desired schools within their attendance zone; high school students may choose from across the city. The assignment process starts at the top of a student's priority list of school choices and makes the assignment based on considerations such as whether the student has a sibling at the school and whether the student lives within the student's walk zone.

The controlled choice process in Cambridge allows parents of elementary and middle school students to prioritize three schools for assignment. The district's assignment process includes proximity and sibling preference, as does Boston's, but also incorporates a number of other factors, including gender, race/ethnicity, and special needs status.[25] Cambridge also considers students' socioeconomic status. Cambridge is one of the few school districts in the country that explicitly incorporates this factor into student assignment.

In these choice arrangements, schools within the district compete with one another to attract students. Information on schools is critical as students and parents make their choices. In Boston, Family Resource Centers provide information to parents and students on individual schools as well as general school issues. In addition, each January the school department holds a "School Fair" for schools to provide information about their programs and performance levels. In Cambridge, a Family Resource Center provides information to parents, and individual schools also are responsible for marketing their programs to students and parents.

*Public inter-district* choice is a second school choice strategy that typically generates more controversy. Choice policies in this area allow students to transfer to schools *outside* the district. In Greater Boston, two major programs fall

into this choice category. The first, and oldest, is the Metropolitan Council for Educational Opportunity—METCO. Begun in 1966, METCO is a voluntary desegregation program in which students of color from Boston and Springfield attend suburban schools. Approximately 3,300 students are bused to suburban schools that receive a per-pupil allocation of $2,900 from the state.[26] This program has generated controversy on several fronts. To some in the city of Boston, it is seen as a diversion of some of the most talented students in the city. Instead of going to the Boston Public Schools, these students rise early in the morning to ride a bus to Lexington, Weston, or another suburban school. To some parents, however, this "exit" option offers an important and critical opportunity for their child. Also, funding is controversial. The state currently pays a per pupil allotment that covers only about one-third of the costs of educating the student. The difference is absorbed by the suburban district, which in several communities has prompted questions about whether they should continue to accept METCO students.

An inter-district choice program, created in 1991, gives students the opportunity to attend public school in another district. The student's choices, however, can be limited, since school districts decide whether to participate as a "receiving district." School districts that choose to participate typically market themselves in neighboring communities in the hope of attracting more students. In FY2002, 131 school districts in the state participated as receiving districts, and 7,558 students took advantage of this opportunity.[27] However, Boston, Cambridge, Newton and most other school districts in Greater Boston do not participate.

The third school choice approach includes *private* schools in the mix. Across the country, several states and cities support school choice with private and parochial schools. In Florida, for example, a statewide program allows students to transfer to another public or private school if the student's home school fails to demonstrate academic progress as measured by student test scores. In Milwaukee and Cleveland, choice programs provide low-income students with a tuition voucher that can be used to attend a private or public school of their choice.

These programs have sparked considerable controversy. Proponents argue that low-income students should not be "stuck" with poor performing schools. Opponents criticize the use of public monies to support private schools, particularly parochial schools. A 2002 U.S. Supreme Court decision upheld the constitutionality of the Cleveland program in a 5 to 4 vote.[28] The court determined that public funds were not going directly to parochial schools, but rather to parents, who were then exercising their choice to send their child to a private or parochial school.

School choice options in Massachusetts involve only public schools. Attempts to expand choice to include private and parochial schools will require

an amendment to the state constitution. Such attempts, however, have been consistently thwarted in the state legislature. Should such a change be adopted, the school choice debate is likely to become more heated and controversial, as public tax dollars are channeled to private and parochial schools.

## Charter Schools

Charter schools also are part of the market model, but they represent *new* public schools created by parents, teachers, community leaders, and other interested parties. Begun nation-wide in the early 1990s, over 2,300 charter schools now operate in 34 states and the District of Columbia.[29] Enabling legislation varies among the states, but the most common ingredient in a charter school is freedom from local school district rules and regulations. Depending on the state, charters are granted by state government officials, local school boards, universities and even city governments. Typically, an autonomous board governs the charter school and reports periodically to the chartering agency.

In Massachusetts, charter schools are authorized under the Education Reform Act of 1993. The state Board of Education is the only authorizing agent for charters. Charters are given for a five-year period and require reporting on the financial, organizational, and academic operations of the school. Students in these schools are subject to the same MCAS testing requirements as other public school students. The first charter school opened in 1995. As of September 2002, 46 charter schools operated in Massachusetts. Within the city of Boston, in fact, 14 charter schools serve approximately 3,500 students.

Charter school advocates praise the flexibility and entrepreneurial spirit that animates these organizations. Charter schools often experiment with curriculum and teaching strategies; many adopt themes such as public service. Some target their recruitment to particular populations, such as inner-city students, although all charter schools must have an open admissions policy.

Opponents contend that charter schools take students and funds away from "regular" public schools and have very limited oversight. As noted, charter schools do not report to the local school committee; their line of responsibility and reporting is with state authorities that grant the charter.

Within the state and region there have been several policy and program adjustments to the charter school movement. In Boston, for example, "pilot" schools were created as a variation of the charter school principle. Pilot schools remain part of the Boston Public Schools and are under the authority of the school committee, but by agreement with the teachers union, they operate with more flexibility from school district policies and union rules than do other schools. Pilot schools receive a single budget based on a per pupil allocation, and they enjoy flexibility to adopt a different curriculum package and schedule than other schools. In December 2002, there were eleven pilot schools operating in the Boston school district.

Charter schools are evaluated by the state Department of Education and the Board of Education based on their academic program, the viability of the organization, and progress in meeting the goals of the charter.[30] Charter schools provide an annual report that includes an assessment of student and school performance as well as a financial statement. Schools also receive on-site visits from Department of Education staff.

The monitoring of charter schools has been criticized in recent years. The Massachusetts State Auditor and the Inspector General's Office published reports that highlighted financial problems at individual charter schools and criticized the Department of Education for inadequate oversight and monitoring.[31] The department has become more experienced in its oversight function, and the state Board of Education demonstrated a more critical approach when it denied, for the first time, the renewal application from a charter school. In denying the renewal to the Lynn Community Charter School, Board Chairman James Peyser noted that there "is little evidence that the school has been successful in raising student achievement, and its governance structure is in disarray."[32] Controversy still remains, however, as evidenced by a recent legislative proposal to place a moratorium on the creation of new charter schools.[33]

## Funding for School Choice and Charter Schools

Funding poses the most controversial issue in the school choice and charter school debate. The fundamental question is who should pay, and how much, to educate students outside the standard system. One option is to require school districts that lose students through school choice or to charter schools to pay the costs of educating the student. Not surprisingly, these districts point to the negative impact such a policy would have on their ability to deliver services to their remaining students. A second option is to require receiving districts and charter schools to bear the costs, but they often lack sufficient resources to cover the additional costs of these new students. A third option is to have the state pay for these educational costs.

In Massachusetts, the costs to educate a choice or charter student are borne primarily by the home district with support from the state. The costs to the sending district are deducted, by the state, from the district's state education aid. This deduction is then credited to the receiving district or charter school. There are many questions and options in determining the deduction. For example, should the sending district be charged the *entire* cost of educating the student, including fixed costs that do not necessarily diminish when the student leaves the district? Should the deduction be based on per pupil costs in the sending district or the receiving district? How should high-cost student populations, like special education, be treated? Should transportation be provided for students? And if so, who pays for it?

In the inter-district school choice program, the deduction from the sending district is based on per-pupil costs in the receiving district. For regular, bilingual and occupational education students, the deduction is equal to 75 percent of per pupil costs, with a cap of $5,000. For special education students, however, the charge is equal to 100 percent of per-pupil costs, with no cap. Officials in the sending district often complain that costs of programs exceed those of their own districts. Not surprisingly, this formula is subject to periodic negotiations. School districts are not required to provide transportation for most students. However, if a special-education student requires transportation in his or her individual education plan, the sending district must pay the full cost. In addition, transportation for low-income students is reimbursed by the state.[34]

In the charter school program funding is handled in a different way. As with school choice, the home district of a student is assessed the costs, but for Commonwealth charter schools the basis of that charge is the per pupil costs in the *home district* itself. The state calculates a per pupil "tuition" charge for each district, then assesses the district for each charter school student that comes from within the district's boundaries. For Boston, in FY2002, the tuition rate was $9,540 per student. This applies to all types of students (regular, special education, etc.). Thus, a deduction of $9,540 was taken from the city of Boston's state education aid for each Boston student who attended a Commonwealth charter school.

When first implemented in the mid-1990s, this loss of revenue from charter school students sparked complaints from school districts across the state. In response, state officials established a program that reimburses school districts for part of their lost revenues. These reimbursement calculations are based on the past history of tuition charges and reimbursements to the community. In FY2002, for example, Boston received a reimbursement of approximately $8 million after having a tuition deduction of approximately $26 million for the 3,000 Boston students who attended Commonwealth charter schools. In the FY2003 budget, however, the governor vetoed all funding for this program.

Charter schools may get per-pupil funding equal to that of the district, but charters get nothing for transportation or facilities. Without transportation, many students are unable to travel to a different community. The state provides some financial support for planning and a facilities grant, but monies and space are typically short, making the first years of a charter school very challenging.

## EQUITY AND SCHOOL FUNDING

Paying for public education poses a fundamental challenge for policy-makers. Not only do costs rise for salaries, materials and other parts of the classroom, but our expectations for public education also grow and lead to additional financial demands on the system. Between 1995 and 2001, total K–12 school spending in Massachusetts increased 54 percent, from $5.9 billion to $9.2 billion.[35]

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Two questions dominate the school finance agenda. First: Is funding for local school districts *adequate* to provide a quality education for the children of our communities? While some policy-makers and educators respond in the affirmative, others argue that additional funding is needed to achieve excellence in the learning environment of our schools and classrooms. School buildings, teachers and curriculum materials cost money that is often beyond the resources of individual communities, particularly those with a limited fiscal base.

And second: Is school funding *equitable and fair* across different schools and school districts? Again, for many stakeholders this is an area of concern, as school districts with smaller tax bases are less able to raise monies locally in comparison to property-rich school districts. Taxpayers in communities with a limited tax base must bear higher taxes just to reach the same level of spending as property-rich districts. In the eyes of many, such inequities compound the already inadequate level of funding for the public schools.

These issues of adequacy and equity point to the importance of funding sources for public education. Funding remains primarily a state and local affair. In FY2001, for example, 56 percent of school funding in Massachusetts came from local sources, followed by 40 percent from the state. The federal government accounted for the remaining 4 percent. The combination of local and state sources is the key. Since the local portion is funded primarily through the property tax, school districts are financially dependent upon the wealth of their community. For poorer communities, the state plays an important compensatory role by providing a higher percentage of total revenues than it provides to wealthier communities. Under the Education Reform Act, the goal is to combine state and local funding such that all school districts have a level of funding necessary to provide a quality education.

The Chapter 70 state aid funding formula is the mechanism used to reach that goal. This formula has two key elements. The "foundation budget" is the most basic piece. This budget is identified by the state as the minimum spending level necessary for an adequate education. State officials determine this budget by analyzing 18 spending categories in each school district and computing a total budget that is adjusted annually for inflation and enrollment changes. Higher cost factors, like services for special education students, result in a larger foundation budget. In FY2002, the average foundation budget statewide was $7,030 per student. Individual school districts varied around this figure; for example, Boston's foundation budget was $8,319, while Concord's was $6,393.

The second major piece in the funding formula is the "required local contribution," the local community's use of its own revenue sources. State officials review data on a community's wealth, revenues, and tax effort to determine what this contribution should be. Wealthier communities are expected to provide a larger contribution toward school funding than are poorer communities.

The goal is to combine state and local funding such that all school districts in the state spend at or above their foundation budget. In 1993, prior to the Education Reform Act, this goal was met by school districts that included only 40 percent of the students in the state.[36] Over the next seven years the state raised its share of total school spending from 30 percent to 42 percent.[37] State aid increased most dramatically for poorer school districts. From 1993 to 2001, the number of communities that received 60 percent or more of their school budget from the state increased from 11 to 88. In 2001, for example, Chelsea received 86 percent of its net school spending from the state through Chapter 70 aid. In contrast, Concord received only 10 percent of net school spending through state aid. Boston was in between these two communities with 34 percent of its net school spending budget of $580 million coming from the Chapter 70 formula. By 2000, all school districts operated at or above their foundation budget.

Having accomplished the goal, however, the effectiveness of the state aid formula is diminishing. Since all districts are at their foundation level, most new state aid is distributed on a per pupil basis. This reduces the progressiveness of the aid distribution in meeting the needs of poorer communities, and the formula lags behind the needs of districts with sharp increases in enrollment.[38] A consensus is emerging that the formula and foundation budget need to be changed, but agreeing on the specifics, particularly during a time of major fiscal strain, has been elusive.

A variety of proposals have been offered to alter the foundation budget and thereby increase the level of resources available in each school. For example, the formula for calculating the foundation budget assumes that only 3.5 percent of a school district's students receive special education services within the district. However, most school districts have special education participation that is far higher than this estimate, resulting in significantly higher costs for the district. Various changes have been proposed to address this issue.[39]

Also, there is substantial support for altering the current practice of determining the foundation budget based upon student enrollment data from the previous year. Rather than rely upon year-old data, the most common proposal is to use enrollment projections, followed later by adjustments when final enrollment tallies are available. This change is supported particularly by growing communities, often in the Interstate 495 area, that experience large annual increases in enrollment that are not captured by the retrospective nature of enrollment calculations in the current foundation budget.

The Foundation Budget Review Commission has recommended that class sizes in the foundation budget calculation be reduced (i.e. reaching 15 students in K–3). This would increase costs in the budget and raise the overall expectation of adequate school funding. The Massachusetts Teachers Association concurs with this recommendation and proposes several more, including full-day kindergarten,

expanded pre-school programs, alternative programs for disruptive students, and MCAS remediation funding.[40] Again, adding these standards into the foundation budget raises the requirements for an adequate education.

Policy-makers concerned particularly with equity issues focus on other aspects of the aid formula to enhance the progressive nature of state aid. The goal is to make the formula more equitable for communities in similar wealth categories and to focus on assisting communities as they try to maintain a level of spending equal to a growing foundation budget. In one proposal, a new formula would be based upon the state reaching and maintaining a "target share" of a community's foundation budget. This share would be the same for communities with similar wealth, but progressive in that it increases for less wealthy communities. The formula would increase local aid by the target share as the foundation budget increases. Over time, it would also address inequities in state support among communities with similar wealth.[41]

The complexity of the school aid formula is itself a target for reform. The Swift administration proposed a new arrangement that "simplifies the nearly incomprehensible 35-step formula, so that local officials and ordinary citizens can, for the first time, more readily understand their local aid."[42] The proposed revisions focus on the required local contribution as one of the most complex areas of the formula.

Debate over school finance continues. Most of the debate focuses on the different areas of the foundation budget and state aid distribution formula, but proposals to make more significant changes also receive an occasional airing. For example, a statewide property tax, similar to Vermont's, has been proposed as a means to increase the state portion of school funding and reduce inequities that still exist in the current system.[43] Although such proposals expand the debate, the major focus continues to be on revising the existing framework of school funding established under the 1993 Education Reform Act.

## SERVING SPECIAL POPULATIONS

Educational services targeted for two population groups—special education and limited English proficient students—play an increasingly significant role in school programs and finance. Special education, in particular, often entails costs that far exceed those for regular education students. In some districts, special education costs have absorbed nearly all of the recent increases in state aid. Bilingual and other programs for limited-English proficient students also play an important role in education policy-making, particularly in Boston and other urban areas. Passage of the 2002 initiative to replace transitional bilingual education with English immersion is reshaping the delivery of services to this population of students.

## Special Education

Special education refers to services and supports that enable students with physical, learning and emotional disabilities to participate in the general curriculum available to all students. Providing access often requires specially trained teachers and aides as well as facility renovations. For each student getting special education services, teachers and administrators conduct an evaluation of the student's learning needs and prepare an individual education plan, referred to as the IEP, which identifies the specific services and supports needed by the student. Parents are involved in reviewing and approving the IEP. Special education services are outlined in the state law Chapter 71B, passed in 1972, and in the federal Individuals with Disabilities Education Act of 1975.

Participation and costs for special education are high in Massachusetts compared to other states. Across the state, in FY2001, 16.3 percent of public education students were in special education. The statewide average cost for special education services in FY2000 was $11,311 per student, compared to $5,876 per student in regular education. Although there is variation in participation and costs across the Boston region, it is not a simple urban-suburban split. In Boston, 19.5 percent of students are in special education at an average cost of $15,818 per student; in Needham, 14.4 percent of students are in special education at an average cost of $14,525 per student.

Two key issues frame the policy debate. The first issue focuses on services: What is the appropriate standard of service for special education students? In the late 1990s, state officials considered whether to adopt the federal standard of "free appropriate public education" or stay with the state standard of "maximum possible development" (often referred to as "maximum feasible benefit").[44] Proponents of change saw the federal standard as less restrictive, more flexible in terms of the level of services required for special education students, and potentially less expensive. Opponents argued it would diminish the services available to students with special needs.

In 2000, the legislature adopted the federal standard and made a number of other changes to the state law. The new standard went into effect on January 1, 2002, and will be the subject of careful scrutiny as both proponents and opponents assess whether the new standard results in a change in the level of services. Other special-education reforms related to parent advisory councils, the timing for determination of individual education plans, district cost sharing for independent evaluations, and other related measures.[45]

Another service-related issue is the state requirement that special education students must also pass the MCAS tests in order to receive a high school diploma. As noted earlier, many of the students who have failed to pass the tests are special education students. A number of accommodations can be made, such

as extending the test past the two-hour time limit or allowing a student to dictate a response. In addition, an alternate assessment is available for students that qualify for a different test setting. Still, many special education students lack the curriculum preparation and test-taking skills needed to pass the MCAS. A task force from the Association of School Superintendents has called for consideration of a new curriculum framework for special education students that focuses on functional life skills. Such a curriculum, the task force argues, would set a more appropriate standard for many special education students.[46]

The second major issue facing special education concerns finances: How can costs be controlled and who should pay for the services? The costs of special education have continued to rise at a rapid rate, often drawing most of the increase in available resources. As one suburban superintendent noted, "You absolutely take from the regular education side to fund the mandated [special education] programs."[47] Although state and federal laws specify the procedures for determining special education services, the state provides, on average, only 26 percent of costs for a special education student and the federal government provides only 6 percent of costs. The remaining 68 percent is borne by the local school district.

Should the state provide more support for special education? There are proposals on the table to address, at least in part, this issue. A recently passed "circuit breaker" law is the most significant action taken to reduce special education costs for local school districts. Intended to go into effect in FY2003, this law provides state funding for special education costs that exceed a pre-determined level. For in-district students (those receiving services within the school district), school districts will be reimbursed 80 percent of instructional costs that exceed three times the statewide foundation budget, which was estimated to be $7,000 per pupil in FY2002. For out-of-district students, the reimbursement is set at 65 percent of tuition costs that exceed four times the statewide foundation budget.[48]

The legislature considered changes to the circuit breaker formula during its FY2003 budget deliberations, but in the end, no money was provided for the program. School districts will continue to rely on past funding practices, while no doubt lobbying for full funding of this program. In the interim, the state continues to provide 50 percent reimbursement for the placement of out-of-district residential students, and the Department of Education has a loan program to help districts pay unexpected special education costs.

## English-Language Learners and Bilingual Education

Instruction for English-language learners is a second major policy area among special student populations. As with special education, communities in the Boston region are subject to state and federal laws in designing programs and services for limited-English proficient students.[49] The U.S. Supreme Court, in the

case of *Lau* v. *Nichols* in 1974, directed that school districts must provide necessary services to students with limited-English proficiencies.

Across the state, 4.6 percent of public education students are limited-English proficient. Unlike special education, however, the demand for language services is more concentrated in urban districts that are often the first home of immigrant populations. In the Boston area, for example, 20 percent of students in the Boston Public Schools are limited-English proficient, and 16 percent of Somerville students are in the same category. In contrast, Lexington and Belmont each have only 2 percent of their students as limited-English proficient.

The central issue is the type of language services that should be provided for these students. There is a long-standing debate among educators and policymakers as to the most appropriate language program. On one end of the spectrum are those who support programs that continue instruction in a student's native language while slowly learning English. From this perspective, students' abilities to learn English vary, and time should be allowed for each student to proceed at the pace most appropriate for the individual. Furthermore, providing instruction in the native language enables the student to continue learning about his or her native culture. On the other end of the spectrum are advocates of an "immersion" approach who support intensive English instruction.

For many years, transitional bilingual education was the most common type of service in Massachusetts. Transitional bilingual education allowed students three years to make the transition through a mix of instruction in the student's native language and English. Bilingual instruction was mandated in all subject areas required for that student. Initial instruction would be primarily in the native language, then gradually replaced by English. State law required that school districts provide transitional bilingual education if there were 20 or more students in a single language group in the district.

Bilingual education was required by law, but adaptations and alternatives were common in smaller schools and in communities with small non-English-speaking populations. Smaller school districts, in particular, often adapted bilingual instruction to fit the staffing and resources available to them.[59] When the number of limited-English proficient students did not meet the population thresholds, schools often relied on other programs, like English as a Second Language (ESL). ESL groups students with different language backgrounds together with one instructor who focuses on teaching through instruction in English.

Criticism of bilingual education has increased in recent years. Opponents contend that bilingual education fails to move students into English proficiency in a timely manner. Led by California millionaire Ron Unz, who was building on successful campaigns in California and Arizona, bilingual-education opponents placed an initiative petition on the ballot in 2002 to replace bilingual education

with one-year English-immersion classes. As stated in the initiative petition, schools in Massachusetts have done an "inadequate job of educating many immigrant children [by] requiring that they be placed in native language programs." Rather, "immigrant children can easily acquire full fluency and literacy in a new language, such as English, if they are taught that language in the classroom as soon as they enter."[51]

Opposition to the initiative petition was widespread among educators and many policy-makers. Most professional education associations in the state opposed the petition. A common criticism was the mandate that English immersion be the only form of instruction. Mayor Thomas Menino and Superintendent Thomas Payzant of Boston charged that the initiative proposes a "one-size-fits-all mandate" that would "dismantle the existing array of research-based models for educating students whose first language is not English."[52]

To head off support for the Unz initiative, the state legislature in the summer of 2002 revised the bilingual education law, effective in the summer of 2003. Under the new law, school districts were no longer restricted to transitional bilingual education. Rather, school districts would be required to prepare a plan for the provision of services to limited-English proficient students that could include transitional bilingual education, two-way bilingual education (in which English-speaking and non-English speaking students learn each others' language), structured English immersion (similar to the Unz initiative), ESL, or any other innovative program designed to accelerate English language proficiency.

Voters, however, derailed this law even before it went into effect. With 68 percent of the vote, the initiative petition passed and English immersion became the state-mandated form of service. Under the new law, schools must provide instruction to limited-English proficient students through an English immersion program in which all books and almost all teaching is in English. The normal duration for this program should be one year. Parents can apply for an exemption for their child to receive different services, and they can sue to enforce the law.

Implementation of this law will be a major challenge. Most school districts do not have the appropriate staff and curriculum to provide English immersion instruction for all of their limited-English proficient students. The Boston Public Schools, for example, estimated that implementation of this law would cost an additional $125 million in the first two years. In addition, state lawmakers are reviewing legislative proposals to alter some of the provisions of the new law. A complete reversal of the new law is unlikely, but there is significant support for changing certain aspects of the law, such as the option of suing teachers for not providing English immersion instruction. Possible legislative changes add to the complexity of implementing this new law.

## EXCELLENCE IN THE CLASSROOM

Under any school improvement plan, teachers play the central role in implementing reforms—whether it is the MCAS test, an innovative curriculum, or new strategies for reaching special education and limited-English proficient students. Improving the capacity of teachers lies at the center of a number of reform proposals.

Many of the policy options to build this capacity focus on ensuring teacher competency and attracting qualified individuals into the profession. Ensuring competency is primarily a state responsibility, but local districts also play a role. At the state level, the Massachusetts Department of Education monitors implementation of licensure requirements for four levels of license: temporary, provisional, initial and professional.[53] Higher levels of licensure include more rigorous requirements. A professional license, for example, requires completion of a performance assessment program or master's degree. In addition, all but the temporary license require successful performance on the Massachusetts Tests for Educator Licensure. This test includes communication and literacy sections as well as subject tests in the areas for which a license is sought.

More controversial, however, is competency testing for teachers *already* in the classroom. In 2000, the Board of Education adopted a policy to administer competency exams to math teachers in schools where at least 30 percent of the students failed the math portion of the MCAS. Exceptions to this policy narrowed its application, but reaction from teachers unions was quick and unequivocal in opposition. Teacher groups saw the test as an affront to teachers and inappropriate, since it ignored many other factors that can impact student test scores, such as poor student attendance and student demographics. State officials said the test would not be used to judge individual teachers, but opposition continued. The Massachusetts Teachers Association and the Massachusetts Federation of Teachers filed suit to block the test, but lost in a unanimous ruling by the Supreme Judicial Court that upheld the right of the Board of Education to adopt such a test requirement.[54] The state intends to implement the test after the results of the 2002 MCAS tests are made public, but the debate is likely to continue.

Local school districts have a number of options to support teacher competency. Many school districts provide professional-development programs for their teachers. The overall thrust of these programs is to strengthen the pedagogical and subject matter skills of teachers. In Boston, for example, the Center for Leadership Development sponsors and provides information on a range of professional-development opportunities for teachers and administrators. School districts sometimes place new teachers in a mentoring program to provide support during the first years on the job. In addition, all teachers must have a professional-development plan that is supported by their local district.



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Identifying and hiring qualified teachers is another important challenge. The Massachusetts Teachers Association projects that 50 percent of teaching positions in the state will turn over in the next ten years.[55] In addition, several subject areas, such as math and science, face frequent teacher shortages. These challenges are most acute in urban districts, such as Boston and Somerville.

State officials are implementing several programs designed to expand and strengthen the teaching workforce.[56] The Massachusetts Institute for New Teachers (MINT) is one example. Begun in 1999, this program offers a seven-week intensive summer training experience that leads to an initial teaching license. The program is designed particularly for mid-career individuals from other professions as well as other non-traditional teaching candidates. During the first two years of operation, 240 individuals participated in the program.

A signing bonus for new teachers has generated more controversy. Begun at the same time as the MINT program, the $20,000 bonus is targeted to teachers in subjects with severe shortages, like math and science. Recipients must teach in Massachusetts for four consecutive years during which the signing bonus is paid-out in installments. These "bonus babies" complete the MINT program and receive mentoring during their first year in the classroom. From 1999 through 2002, 312 individuals were awarded the bonus, although about one-quarter did not remain in teaching and thus forfeited the balance of their bonus.[57]

The signing bonus has drawn criticism from several quarters. Many in the teaching profession criticize it as a high profile initiative for a relatively small number of individuals, while providing no recognition for many dedicated teachers already working in the field. On the merits of the program, one researcher found an attrition rate higher than the national average, raising questions about the effectiveness of the bonus in retaining new teachers in the profession. To increase retention, the Department of Education recently added a requirement that all bonus recipients complete a one-year teacher preparation program, not just the intensive, seven-week MINT program.

## WHERE LEARNING HAPPENS

School building repair and construction do not capture headlines but are critical to the well-being of the public education system. For some school systems, the major challenge is constructing new buildings to accommodate a growing student population, for other systems it is repairing and renovating existing buildings.

The need is significant. A 1996 study by the U.S. General Accounting Office ranked Massachusetts 48th in the nation for the condition of its school buildings. Eighty percent of schools reported at least one unsatisfactory environmental condition and 42 percent reported crumbling roofs. Forty-nine percent of Massachusetts's schools lack enough power outlets and electrical wiring to accommodate computers and multimedia equipment in classrooms.



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The scope of the problem also is evident in the large and growing demand for support from the state's School Building Assistance Program. Between FY1990 and FY2002, the number of projects on the waiting list grew from 13 to 282. The funding needed just to begin these projects grew from $8 million to $275 million. This backlog grows as the number of projects designated to receive monies declines. In the late 1990s the Department of Education allocated funds for an average of 56 projects per year but only 18 projects in FY2002. During this same time, the allocation of monies dropped from an average of $44 million per year to $20 million.[58]

There are two key areas of debate in this policy arena—financial resources and the allocation process. The financial debate revolves around the limited resources of cities and towns and the declining allocation of monies from the state. Cities and towns are expected to fund maintenance and minor repairs, but larger capital projects are a major burden for most communities, particularly with the constraints of Proposition 2½. For new construction and major renovations and repairs, school districts look to the state for help. Since 1948, the state has provided financial assistance through a School Building Assistance Program. The problem, evident in the numbers above, is the relatively modest level of support, made even worse by the more recent decline in funding.

There are several options that could be pursued. One option would be to grant more flexibility to local governments when they borrow funds for school construction projects. Debt for school construction could be exempt from Proposition 2½. Communities can currently do this through a debt exclusion override, but a blanket exemption would make borrowing for school construction a more viable option. Another option recently approved is to extend the time period for bond anticipation notes from five to seven years. This will allow communities to borrow short-term for a longer period of time until state monies are available. Perhaps the most obvious option—but in some ways most difficult—is to increase state financial support for the School Building Assistance Program. In the current fiscal climate, the prospects of significant increases in state support are limited. Rather, the danger is that funding will decline even more.

A second key area of debate focuses on the allocation process for state assistance. Two elements shape the allocation process—a community's reimbursement rate and the priority ranking of a project. Cities and towns typically float bonds to pay for school construction; they are then reimbursed over a number of years by the state for a percentage of the costs. In 2000, the legislature and governor revised the reimbursement rate. The rate varies between 50 percent and 90 percent, but the determination of a community's rate is now done through a point-based formula that results in more points for poorer communities. All communities begin with 39 base percentage points; additional points are given based on a community's low income, low property wealth, and poverty. In FY2002, for example, the base reimbursement rate was 88 percent for Chelsea and 75 percent for Boston, but only 39 percent for Concord and Lexington.

A final component in the formula allows any community to add incentive points based upon the nature of the project and the condition of existing school buildings in the district. A renovation/reuse proposal, for example, receives five percentage points, but a new construction project receives zero points. Also, a community with an excellent maintenance rating receives eight incentive points, whereas a poor maintenance rating yields zero points. In addition to this point system, the state has maximum eligible cost and size standards for school construction and renovation that limit the state's funding for a project.

The reimbursement formula determines the state-local split in funding, but the project's ranking depends upon where it stands in the order of priorities established by the state. Chapter 70B, Section 8, lists the eight priority areas for new projects. At the top of the list are projects to replace or renovate a building that is structurally unsound or otherwise jeopardizing student health and safety, followed by a project to eliminate severe overcrowding. At the bottom of the priority list are projects designed to transition from court-ordered racial balance to walk-to or other attendance systems. With limited funding, the state is still working through a backlog of projects that were approved, but not funded, prior to the new legislation.

Even with state support, local school districts must traverse the challenges of finding a suitable construction site as well as overseeing and monitoring the construction project.

Particularly in dense urban areas, locating a new school site can be controversial. Boston's recent construction of new schools faced numerous obstacles as building sites had to be located that served the attendance needs of the district while meeting the concerns of parent and community groups.

Construction itself requires oversight skills that many school districts lack. State officials work with local school authorities that often hire a project manager with expertise to help them through the construction process.

## THE FUTURE OF EDUCATION IN GREATER BOSTON

The past decade of education reform in Massachusetts has brought significant change to the schools of Boston and its surrounding communities. State-level policy-makers and educators play a greater role in the state-local partnership, and the federal government is poised to increase its role in the near future.

Across the region and state, curriculum frameworks expose all students to the academic materials necessary to participate in the 21st century. Inequities have diminished as all school districts reached a foundation level of spending. A rigorous assessment test challenges students and schools to master the new curriculum.

For every policy change, new challenges arise. State funding to local school districts, for example, faces a new set of issues as the old formula gives way to a new scheme, still being defined, to serve the growing diversity of school districts.

The MCAS tests remain controversial as they drive student and school accountability. While school choice expands and the number of charter schools increases, the debate continues over their role in shaping public education. Most recently, a new English immersion law poses many difficult challenges for school districts. These policy debates take place at a time when fiscal constraints are limiting the options available to policy-makers at all levels of government.

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| Author(s): John Portz | |
| Corporate Source: Rappaport Institute for Greater Boston<br>John F Kennedy School of Government<br>Harvard University | Publication Date:<br>03/12/2003 |

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